

Notice of Allowability

Application No.

10/713,517

Examiner

Hargobind S. Sawhney

Applicant(s)

BILOTTI ET AL.

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE and amendment filed on March 9, 2006.
2. ☒ The allowed claim(s) is/are 1-3, 7-10, 14 and 20-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 5/19/2006.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

1. The Request for Continued Examination (RCE) and the amendment filed on March 9, 2006 have been entered. Accordingly:

- Claims 1 and 8 have been amended; and
- Claims 5, 6, 12, 13, and 15-19 have been canceled.

2. On May 19, 2006, the examiner and the attorney, Mr. Raymond Sun, had a telephone conversation, wherein the amended independent claims 1 and 8 were discussed. The examiner pointed out that as indicated in the Final rejection mailed on December 6, 2005, Pan et al. (US Patent No.: 6,439,249 B1) still meets the limitations of each of the independent claims 1 and 8. Pan ('249 B1) teaches:

- an interconnecting wire – the wire net mounted on a PCB 2 (Figure 1) - connecting the plurality of branch wires each bearing the LEDs 5 (Figure 1, column 3, lines 31-35); and the interconnecting wire 2 positioned adjacent the top end 1 of the pole 7 (Figure 1). In the Final action, the examiner had interpreted the PCB as an claimed interconnecting wire connecting the plurality of branch wires each bearing the LEDs 5.

The examiner suggested that merging of dependent claims 4 and 24 in the amended independent claim 1 would place claim 1 in an allowable condition. Additionally, the examiner suggested that merging of dependent claims 11 and 25 in the amended independent claim 8 would place claim 9 in an allowable condition.

In response, Mr. Sun authorized an Examiner's amendment requiring amendments of the claims as detailed in section 3 of this office action.

A copy of the interview summary is attached herewith.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Raymond Sun on January 19, 2006.

Cancel claims 4, 11, 24 and 25.

Claim 1 (amended), line 9, insert – a pole strap that removably attaches the interconnecting wire to the top end of the pole—after “;”

Claim 1 (amended), line 10, insert --wherein the LED device includes a PCB, a chip driver connected to the PCB, and an LED attached to the PCB;-- before “ and “.

Claim 8 (amended), line 8, insert – a pole strap that removably attaches the interconnecting wire to the top end of the pole—after “;”.

Claim 8 (amended), line 9, insert --wherein the LED device includes a PCB, a chip driver connected to the PCB, and an LED attached to the PCB;-- before “ and “.

Allowable Subject Matter

4. Claims 1-3,7-10, 14 and 20-23 are allowed.

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The prior art of record, including Pan et al. (US Patent No.: 6,439,249 B1), does not show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose a patio umbrella assembly combining:

- a plurality of wire branches, each carrying a plurality of LEDs, being removably attached to a interconnecting wire, which releasably attached to one of the ribs of the patio umbrella as recited in each of the amended claims 1 and 8; and
- the interconnecting wire detachably attached to the top end of the pole as recited each of the amended claims 1 and 8.

The above-indicated combination; including an interconnecting wire separate from the PCB, carrying a plurality of wire branched each bearing a plurality of LEDs, makes this invention unique.

Pan et al. ('249 B1) discloses a lighting system comprising a PCB carrying a plurality of wire branches each bearing a plurality of LEDs. Pan does not employ an interconnecting wire separate from the PCB, carrying a plurality of wire branched each bearing a plurality of LEDs. Therefore, Pan ('249 B1) does not meet the limitations of each of amended independent claims 1 and 8.

Thus, each of amended independent claims 1 and 8 is allowed over prior art.

Claims 2, 3, 7, 20 and 21 are necessarily allowed because of their dependency on the allowed base Claim 1.

Claims 9, 10, 14, 22 and 23 are necessarily allowed because of their dependency on the allowed base Claim 8.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 8:30 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571 272 2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HSS

5/25/06


ALI ALAVI
PRIMARY EXAMINER